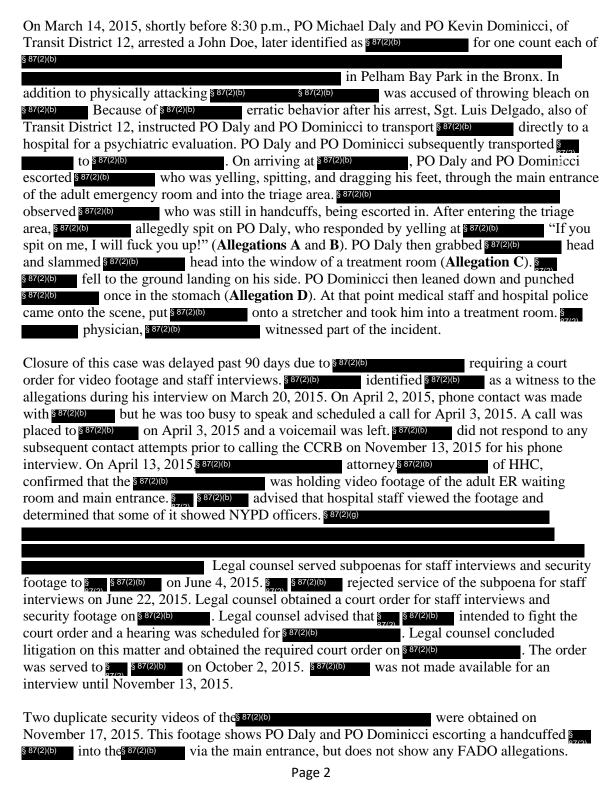
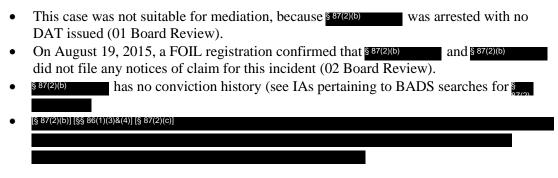
# **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator:		Team:	CCRB Case #:	<b>▼</b> For	ce	☑ Discourt.	☐ U.S.
Eric Rigie		Squad #1	201501920	☑ Abı	ise	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Preci	nct:	18 Mo. SOL	EO SOL
Saturday, 03/14/2015 8:30 PM		§ 87(2)(b)		49	)	9/14/2016	9/14/2016
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date	e/Time	Received at CCI	RB
Mon, 03/16/2015 6:20 PM		CCRB	On-line website	Mor	n, 03/16	6/2015 6:19 PM	[
Complainant/Victim	Type	Home Addre	ess				
Witness(es) Home Address							
Subject Officer(s)	Shield	TaxID	Command				
1. POM Michael Daly	14117	952635	TB DT12				
2. POM Kevin Dominicci	24639	952693	TB DT12				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. SGT Luis Delgado	00683	921275	TB DT12				
2. POM James Valentino	30323	946355	TB DT12				
3. POM Anthony Lofaro	15548	953005	TB DT12				
Officer(s)	Allegatio	on			Inve	stigator Recon	nmendation
A.POM Michael Daly	Abuse: P	O Michael Daly threate f force.	ned § 87(2)(b)	with			
B.POM Michael Daly	Discourte § 87(2)(b)	esy: PO Michael Daly s	poke discourteously	to			
C.POM Michael Daly	Force: Powindow.	O Michael Daly hit § 87(2)	head a	gainst a			
D.POM Kevin Dominicci	Force: P( § 87(2)(b)	O Kevin Dominicci used	d physical force agai	nst			

#### **Case Summary**



## Mediation, Civil and Criminal Histories



#### Civilian and Officer CCRB Histories

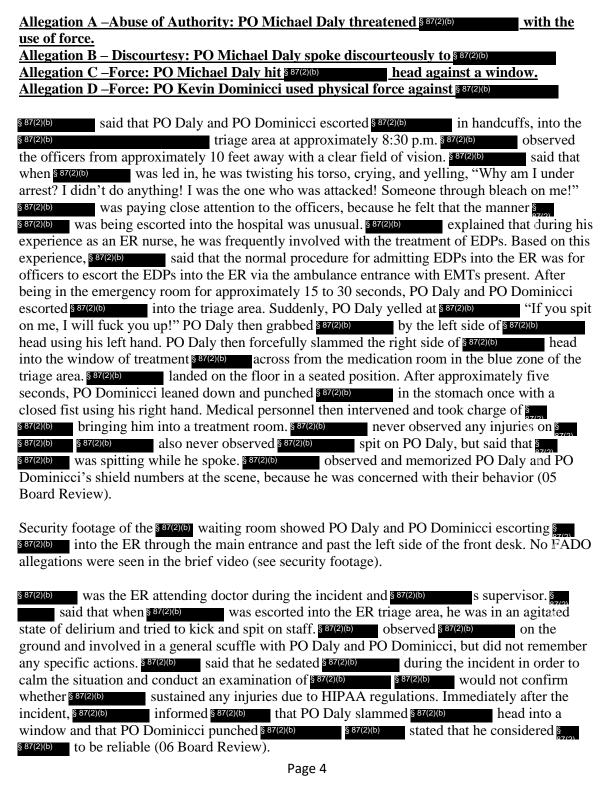
- This is \$87(2)(b) and \$87(2)(b) first CCRB complaint (04 Board Review).
- PO Daly has been a member of the NYPD for three years and has three other CCRB cases involving five force allegations, none of which were substantiated. Of these other cases, one was unsubstantiated and two were truncated. In one of the truncated cases, from November 2013, PO Daly was accused of slamming a male's head into a wall.
- PO Dominicci has been a member of the NYPD for three years and has one prior CCRB case involving two allegations that were truncated. [S87(2)(9)]

### **Potential Issues**

- did not cooperate with the investigation by providing a verified statement or signing a HIPAA release for his medical records. Therefore, no injuries could be confirmed (see IAs pertaining to attempts to contact \$87(2)(b)
- Security footage obtained from did not show any FADO allegations (see security footage).

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#### **Findings and Recommendations**



PO Daly said that after arresting \$87(2)(b) at the scene at Pelham Bay Park, \$87(2)(b) was continually yelling and banging the right side of his head against the rear passenger window of their RMP approximately 12 times in quick succession. Due to this erratic behavior, Sgt. Delgado instructed PO Daly and PO Dominicci to transport \$87(2)(b) directly to the hospital for a psychiatric evaluation. \$87(2)(b) continued to scream, cry, and strike his head on the window of the RMP on the 20 minute ride to the hospital. PO Daly never observed any damage or blood on the window that \$87(2)(b) was striking. PO Daly said that he and PO Dominicci escorted
through the front door of the \$87(2)(b) ER and not the ambulance side. While being escorted into the emergency room, \$87(2)(b) continued to yell, scream, and went limp so that
PO Daly and PO Dominicci had to hold him up by his arms and assist him in walking inside.
Within two minutes of arriving at the hospital, PO Daly and PO Dominicci escorted \$87(2)(b)
to the left side of the desk into the ER and past separate patient treatment rooms on their right. PO
Daly thought that these rooms had windows. While passing the patient treatment rooms, state and spirit in PO Daly's face. PO Daly said that he did not have any significant reaction to state and significant reaction state and significant reaction state and significant reaction state and significant reaction state and significant reactions are stated as a significant reaction stated and significant reactions are stated as a significant reaction stated and significant reactions are stated as a significant reaction stated as a significant reaction stated and significant reactions are stated as a significant reaction stated as a sin
spit in 1 o Dary's face. To Dary said that he did not have any significant reaction to spit in 1 o Dary's face. To Dary said that he did not have any significant reaction to spit in 1 o Dary's face. To Dary said that he did not have any significant reaction to spit in 1 o Dary's face. To Dary said that he did not have any significant reaction to spit in 1 o Dary's face. To Dary said that he did not have any significant reaction to spit in 1 o Dary's face.
Daly denied that he or any officer ever said to §87(2)(b) "You spit on me, I'll fuck you up!"
PO Daly denied that he or any officer used any profanity or threats of force toward \$87(2)(b)
PO Daly denied that he or any officer ever slammed \$87(2)(b) head into a window and denied that \$87(2)(b) head ever made contact with a window or any object in the hospital.
After spitting in PO Daly's face, \$87(2)(b) was made to sit on the ground, but PO Daly did
not remember how this was done. PO Daly said that while sitting on the ground, \$87(2)(b)
kicked a Hispanic, female nurse. PO Daly never obtained this nurse's name. PO Daly and PO Dominicci responded by moving away from the nurse, who did not wish to press
charges. PO Daly denied that PO Dominicci ever bent down and punched \$87(2)(b) in the
stomach. PO Daly never observed any injuries or blood on \$87(2)(b) never
complained of any injuries. § 87(2)(b) never complained that any officer slammed his head
into a window or punched him in the stomach. §87(2)(6) was then put onto a stretcher with the assistance of hospital staff and brought into a treatment room (07 Board Review).
the assistance of hospital staff and brought into a treatment foom (07 Board Review).
PO Dominicci generally confirmed PO Daly's statement that \$\frac{87(2)(0)}{2}\$ was behaving erratically by yelling and banging his head against the window of their RMP at Pelham Bay Park and while he was being transported to \$\frac{87(2)(0)}{2}\$. PO Dominicci confirmed that he and PO Daly escorted \$\frac{87(2)(0)}{2}\$ into the \$\frac{87(2)(0)}{2}\$ was yelling, screaming, and dragging his feet. PO Dominicci said that \$\frac{87(2)(0)}{2}\$ spit in the direction of PO Daly, but did not hit him. PO Dominicci said that PO Daly responded by yelling a statement along the lines of, "Stop acting up!" PO Dominicci never heard PO Daly or any officer yell, "You spit on me, I'll fuck you up!" PO Dominicci did not recall whether PO Daly made any similar statements, or used the word "fuck," but said that neither PO Daly nor any officer threatened to use force against \$\frac{87(2)(0)}{2}\$ head into a window. PO Dominicci said that because of \$\frac{87(2)(0)}{2}\$ behavior, he forced \$\frac{87(2)(0)}{2}\$ to sit on the ground by pulling him down by his arms while moving his legs forward. While on the ground,
kicked an older female, Filipino nurse, who did not wish to press charges. PO
Dominicci denied that he or any officer ever punched \$87(2)(b) in the stomach. PO
Dominicci's response to \$87(2)(b) kicking the nurse was to pull \$87(2)(b) away from the nurse. An unknown number of hospital police then came onto the scene and helped PO Dominicci
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and PO Daly strap \$87(2)(b) to a stretcher using hospital restraints. PO Dominicci assumed that \$87(2)(b) had a head injury from striking his head on the window of the RMP, but never observed any injuries on \$87(2)(b) \$87(2)(b) never complained of any injuries.
never complained that any officers slammed his head into a window or punched him in the stomach (08 Board Review).
Sgt. Delgado said that when he arrived at Pelham Bay Park, \$87(2)(b) was screaming and moving around a lot while sitting in the RMP. Sgt. Delgado did not see \$87(2)(b) striking his head against anything while seated in the RMP. Although \$87(2)(b) was under arrest for assault, Sgt. Delgado decided that PO Daly and PO Dominicci should transport him directly to for a psychiatric evaluation due to his erratic behavior. PO Daly and PO Dominicci then left with \$87(2)(b) in their RMP while Sgt. Delgado went with his operator, PO Scott Liebensohn to \$87(2)(b) . Sgt. Delgado did not remember which officers arrived at the hospital first, but said that the next time he saw \$87(2)(b) was lying in a treatment bed and handcuffed to the bed. Sgt. Delgado never heard \$87(2)(b) was lying in a treatment bed and slammed into a window, being punched in the stomach, or being injured by officers. Sgt. Delgado never heard \$87(2)(b) complain of any threats of force used against him. No civilians or officers ever informed Sgt. Delgado that physical force had been used against \$87(2)(b) (09 Board Review).
P.G. 203-09 says that officers must be courteous and respectful (13 Board Review).
In Police Department v. Briscoe it was found that an officer' statement, that he wished he had five minutes alone with the individual, served no purpose other than intimidation (Oath Index No 1328/00, September, 29, 2000) (11 Board Review).
P.G. 203-11 says that officers must use minimum necessary force (10 Board Review).
In Police Department v. PO Eleodoro Mata, an officer was found guilty of excessive force when he punched a handcuffed prisoner in the face after the prisoner kicked a door closed causing the door to strike the officer (Oath Index No. 79687/04, January 25, 2005).
§ 87(2)(g)

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g or (2)(g)			
Squad: 1			
Investigator: Signature	Print	Date	
Squad Leader: Title/Signature	Print	Date	
Attorney: Title/Signature	Print	Date	